

12/22/69

Dear Howard,

We may be about to be snowed in and I am snowed under with other work I must do immediately, in entirely different areas. However, your correspondence with Fisher is important, so I respond in haste. I'll read the Finck N.O. and 562 & 4 memos when I have a few freer moments.

Your note to Dick and me on F, 12/17: Well as you understand Finck, you nonetheless underestimate him and his survival instinct, which exerted the strongest influence despite his incredible dishonesties. One interpretation that hit me immediately, re "I did not see a wound of exit at that time" is that he later saw it. Else why "at that time"? And he not only had five years to think back over, but a number of official statements with which to coexist.... With his tortured words, it is possible to read a laterally truthful meaning into, your words, "his insistence he did not see the wound described by the Parkland doctors..." Why? Because it was physically impossible, he having been obliterated by the tracheostomy. To me, as I've indicated in correspondence to Dick if not to you, the key think after the trach. remained the skin, and that had to show something to the eye, especially if it did to the camera. In fact, as I recall it Halpern goes into this, saying it should have been possible to draw the skin together and it should have been done and it should have shown the hole Perry described.

Finck NO 147: all copies flawed at top.

12/17 to us both: I do not recall whether you sent me your Frazier notes. No time to check now.

I have two prints made from the negative. I've told Dick what happened, so he has no urgent need for their print, and this is so culpable I think by far the most important thing is building a record of it. You do not keep in mind what you must, that I expect to be suing over this sort of thing, and a court record has certain importances, values and capabilities no book has. This is also true of some of my other work. You told Fisher more than he told you, but you didn't stop to think of that. Nowhere except in my limited editions, which you read, were the things about which you questioned him. Instead of asking question to which he could make response you indulged a desire to clobber him. You did, but that is not now constructive and you have prepared him in the event he is subpoenaed as a witness. You must stop and think more. Had I wanted answer to those questions from Fisher, I'd have written him and used them for the book. That is water over the bridge, but you must learn, especially because you are young and these things tend to become habits, to respect the rights of others to their own materials and never, in any way, use any of it without their agreement. K tried to explain this to you when I showed you those books. Let me add what is for your knowledge and understanding only, not even for correspondence with anyone else. Fisher was the remrod on that operation. He even whipped the DJ lawyers into line when they doubted what he was doing. I cannot tell you why, but I do assure you this was the case. I know he did things not in the panel report. You might want to ask yourself whether writing the other members is not only to alert them but also to intimidate them, saying your names are on this also, etc.... Thanks for the offer of making a negative, but I urge you and Dick to keep after them, as I have, on this. Remember, their claim to the right to deny access is protection of the evidence. Make a firm record of their not doing it. And please send me copies of anything they write. If the question how do you know about it comes up, Dick told you. They are capable of adding two and do, but let's not do it for them.

Your 12/16 to me: I'll draft a letter to F for you and enclose it. Do not try and cover everything. Let him beg off, if that is his cop-out, and then

we'll have one with a return receipt attached, for a record for him to survive. And live with. Do not make the mistake of thinking he didn't know what he was doing when he did it. Therefore, expect no easy mea culpas, not with his position and rep, not with what he did. Remember also he has heard from others than you, and he is shaking. So was Finck.

You are, I believe, quite wrong in saying the "key observation" is that having to do with the kind of bullet. The key is the purpose of an autopsy. Forget about the perjury of the autopsy doctors that I charge in PMIII. He knows it and knew it when he wrote the panel report. Stick to what can produce something. Do not belabor him needlessly if you expect response. He is now in a position where he may answer some questions, including what may be of use to us in court. His refusal to may also have value. And make it so he cannot say he hasn't time. This is a valid excuse for a busy man, and he is a busy man.

Dear Dr Fisher,

I do not know what you "call nit picking at the details", as you put it in your letter of the 12th. I do agree that the important thing, from your same sentence, is "the validity of the ultimate conclusions" and whether or not, in fact, these are "altered by variance in minor details".

It is my understanding that the essence of your calling is what to others may be "minor details". The question is what is minor. And, may I suggest, just who has "misled" the public and how.

You better than I know the purposes of an autopsy in a crime of violence. It is not alone to discover how the victim died. It is also to establish, to the degree possible, who committed the crime. It there is to say not enough to say as you do, "The bullet did come from behind and above and that is the key observation". If that bullet came from "behind and above" is such a manner as to preclude its having come from the alleged sniper's nest, that means the official solution to the crime is entirely wrong. If it was caused by a bullet other than the one alleged, then the same is true of my comment. So, I ask you to assure me that the wound of entry could have been approximately four inches above the rear occipital protuberance and the Warren Report, in all its details relevant to the proof Oswald was the murdered from the medical/ballistics evidence you either did or should have considered. I do not recall in your report any citation of proof that the injuries, fatal and non-fatal, either were or could have been caused by the alleged ammunition, military bullets. This is what is essential and the suppressed evidence bearing on it should have been available to you. I am concerned having seen no reference to it as one of your raw materials.

The non-fatal injury is alleged to have been caused by a bullet the official history of which permits virtually no fragmentation. Therefore, I should like to know how you can say that you a) confirmed the ~~war~~ conclusions of the Warren Report and b) found fragments it either deposited or we have even a more perplexing problem, accounting for them in any way at all.

Your panel says it saw the wound in the front of the neck. How can you identify it as a wound and not the result of the tracheostomy?

You say, "the size of the exit wounds" depends on a number of factors, "including the extent ~~xxxxxx~~ that the bullet has been deformed in passing through the tissues." The also perplexes me for this bullet was alleged recovered and is allegedly without deformity. Also, the size of the wound observed in Dallas is so small that if the bullet was deformed, this hole could have been caused by only a small fragment. And how can it have been deformed if it struck no bone, nothing but soft tissue?

Without your eminent qualifications in your science, I am disturbed at your use of the words "nit picking" and "minor differences" when there is no reference in the autopsy reports to the structure you report in the head as I am without your leaving it entirely unexplained. I must confess discomfort that such eminent scientists as you did not examine the brain or, if I recall your report correctly, any of the slides made at the time of the autopsy. Are you without doubt, for example, that you saw all of them, that all are covered and adequately covered in the supplementary report? Are you also satisfied, in view of the certification that the first draft of the autopsy was burned, that you saw all existing original notes, especially the contemporaneous ones made by the doctors? Are you without discomfort at the nature and extent of the changes in the holograph protocol? Are you satisfied you saw everything, that there is nothing in government possession you did not see that could in any way have influenced your professional and expert opinions on "the validity of the ultimate conclusions" and the solution to the crime, which means placing the responsibility on the person who fired the fatal shot and whether or not it is possible or probable there was more than a single shooter?

Your responsibility is that of a scientific expert, and here you have the greatest qualifications. Mine are those of a writer. I want my finished work to be definitive, not to be subject to the criticism of "nit picking", but also not to leave hanging questions that others might regard as deficiencies in my work. I do appreciate your offering the opinion others have engaged in what you call nit-picking. I am not aware of much writing in this special area, the autopsy, not serious writing, anyway, and I'd appreciate guidance from you on what to avoid, what you as the eminent expert you are do, as such an expert, regard as this kind of cavilling. Likewise, the other side, what writing you regard as solid and dependable.

I think we are both aware that you did not really answer some of my questions. It is better that we have a common ground, and from your quoted comments, I think I can take it that on what you regard as the serious point you can and will help me be in a position to have this part of my writing other than quibbling. I realize you are a busy man with many commitments. However, in accepting the assignment to the panel you undertook the most serious obligations. I hope you will, therefore, find the time to help resolve these questions which I think require the answers of such experts as you.

Howard, I've had to do this twist and tweek other things, largely from recall of your enclosures. Read it carefully and be sure you agree. Do not do this because I suggest it. Do it if you can agree. I think you'll read what I have in mind. Perhaps you will agree. But, without the kind of retreat that would alert him, keep after him in new areas, where the record is important, where it is not just clobbering him, and where he cannot tell you you are nit-picking.

My files are not subject to simple classifications, which is why I sometimes tell you where I am filing. These things fit various subjects. What relates to the immediate foregoing I'm filing with the panel, the rest with PM II, if you refer to it in a way that requires me to consult it. There are other things to which I must now return, other mail to get done now. Good luck.

CC Dick